

FITAPELLI & SCHAFFER, LLP

475 Park Avenue South, 12th Floor

New York, New York 10016

Telephone: (212) 300-0375

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**GRACIELA ROMAN and DANIEL JONES, on behalf
of themselves and all others similarly situated,**

Plaintiffs,

12 Civ. 6156 (AKH)

-against-

THE DINEX GROUP, LLC and DANIEL BOULUD,

Defendants.

**NOTICE OF MOTION
FOR APPROVAL OF SETTLEMENT, SERVICE PAYMENTS,
AND ATTORNEYS' FEES AND COSTS**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Approval of the Settlement, Service Payments, and Attorneys' Fees and Costs ("Motion for Approval"), in the Declaration of Brian S. Schaffer in Support of Plaintiffs' Motion for Approval (the "Schaffer Declaration"), and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) approving the parties' Collective Action Settlement Agreement and Release of all Wage and Hour Claims ("Settlement Agreement"), attached as **Exhibit A** to the Schaffer Declaration;
- (2) awarding the requested incentive award to named Plaintiff Graciela Roman;
- (3) awarding attorneys' fees of one-third of the fund plus reimbursement of litigation costs and expenses to Fitapelli & Schaffer, LLP, as outlined in the Settlement Agreement;
- (4) approving the Notice of Collective Action Settlement, which is attached as **Exhibit B** to the Schaffer Declaration;

- (5) approving Plaintiffs' proposed settlement procedure; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

Dated: New York, New York
January 29, 2014

Respectfully submitted,

/s/ Brian S. Schaffer

Brian S. Schaffer

FITAPELLI & SCHAFFER, LLP

Joseph A. Fitapelli

Brian S. Schaffer

Eric J. Gitig

475 Park Avenue South, 12th Floor

New York, New York 10016

Telephone: (212) 300-0375

*Attorneys for Plaintiffs and
the Collective*